IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 9427 of 1996

Between:

P.Lakshmaiah s/o Gangaiah,

Aged 37 years, Seetharamapuram Post,

Rajampet Mandal, Cuddapah District

..... PETITIONER

AND

1. Tirumala Tirupathi Devasthanams,

rep. by its Executive Officer, Tirupathi,

Chittoor District.

2. The Peshker, Tirumala Tirupathi Devasthanams,

Tirupathi, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Mandamus by declaring the action of the respondents in not absorbing the petitioner to the post of volunteer in the respondent Devasthanam is discriminatory, illegal, arbitrary and violative of Articles 14 and 21 of the Constitution of India and consequently direct the respondents to absorb the petitioner as paid volunteer or in any other equivalent

post in the respondent Devasthanam.

For the Petitioner: Mr. C.V. Nagarjuna Reddy, Advocate

For the Respondents 1&2 : Mr. G.Venugopal, Advocate

The Court Made the Following :

:: ORDER ::

The petitioner is apparently aggrieved by the conduct of the respondent-TTD, in not absorbing him into the Devasthanam service and seeks a direction to the respondents to absorb him as paid Volunteer or in any of the equivalent posts in TTD. He claims to belong to a Scheduled Caste and to have worked as paid Volunteer under the respondents during 1986 to 1988 for 436 days without a break.

The petitioner was earlier terminated by the proceedings dt 3.6.1988 along with similarly placed volunteers. The petitioner and other such paid Volunteers filed W.P.13535/89 for a direction to continue them in service and for a declaration that the proceedings dt 3.6.88 are illegal. They also sought a direction to the respondents to prepare a seniority list of Volunteers from 1982. The writ petition was disposed of by the order dt 12.4.1991, as follows:

> *" The only manner in which the writ petition can be disposed of is by observing that it is for the petitioners to file an application for appointment with necessary specification and material and that the respondent shall verify the claims of the petitioners. If they are found to be entitled for consideration, they will be considered for employment in any future vacancy strictly in accordance with the rules and more particularly in accordance with the rules of reservation."*

This court did not decide even the issue as to whether "paid volunteer" is included in the constitution of the TTD Service, nor the method and manner in which the post should be filled up, whether the rule of reservation applies and what are the qualifications for holding the said post. However, pursuant to the observations in the above judgment, the petitioner made a representation to the respondent. He asserts that the 1st respondent had issued proceedings dt 22.4.93, which is alleged not to have been communicated to him, in which, it is claimed, the 1st respondent stated that the petitioner was not selected for the post of paid volunteer. It is also alleged

that the 1st respondent had not given any opportunity to the petitioner to attend any interview. It is also claimed that appointment orders were given to one Nagaraja Reddy, one of the 29 petitioners who had earlier filed W.P. No. 13535/89. On such pleadings the petitioner claims the relief already adverted to.

The writ petition is presented without any factual or legal basis. Nothing is pleaded or demonstrated before this court to permit a conclusion or inference that the post of paid volunteer is part of the TTD service, there is a judicially enforceable method of recruitment prescribed for appointment to such service or that the petitioner having been qualified for appointment was nevertheless denied appointment to the post of paid volunteer. In the absence of any such pleadings the post of paid volunteer cannot be considered to be a public office in respect of which a Mandamus can be issued u/Art. 226 of the Constitution.

On the above analysis this court discerns no merits in the writ petition. The writ petition is accordingly dismissed. No order as to costs.

Dt: 30-09-2004 ----------

Pvsn Justice G. Raghuram

Copy to

1. The Executive Officer,

Tirumala Tirupathi Devasthanams,

Tirupathi, Chittoor District.

2. The Peshker, Tirumala Tirupathi Devasthanams,

Tirupathi, Chittoor District.

3. 2 CD copies